



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,971	01/31/2001	Eric G. Lang	MS#150411.1/40062.86US01	6285

7590 07/01/2004
Homer L. Knearl
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 07/01/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Sk

Office Action Summary	Application No. 09/773,971	Applicant(s) LANG, ERIC G. 2	
	Examiner Thanh T. Vu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,10-16,20-26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,10-16,20-26 and 28-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2174

DETAILED ACTION

This communication is responsive to Amendment A, Filed 04/08/04.

Claims 1-4, 10-16, 20-26, 28-31 are pending in this application. In the Amendment A, claims 5-9, 17-19, 27, and 32 were cancelled, and claims 1, 10, 21, 23, and 26 were amended.

This action is made Final.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, line 1, the phrase “ an smart watch device” should be “a smart watch device”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 10-16, and 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Beaton et al. (“Beaton”, U.S. Pat. No. 6,037,937).

Per claim 1, Beaton teaches a method for providing a user interface for an smart watch device, the smart watch device having a graphical user interface including a display and at least one input element, method comprising:

displaying an information screen using a first transparency mask in a display foreground (fig. 8; col. 19-21);

displaying at least one control image in a display background, the display background appearing behind the display foreground, the control image indicating a task to be performed by the electronic device when the input element is activated (fig. 8; col. 19-21); and

associating the control image with the input element (col. 4, lines 56-63; col. 5, lines 40-48).

Per claim 2, Beaton teaches the method of claim 1, further comprising receiving an activation signal from the input element (col. 5; lines 40-62).

Per claim 3, Beaton teaches the method of claim 2, further comprising performing the task associated with the input element after the activation signal is received (col. 5, lines 40-62).

Per claim 4, the method of claim 1, wherein the act of associating further comprises positioning the virtual control image proximate the input element (figs. 9A-9C and 10A-10C; col. 5, lines 40-62).

Per claim 10, Beaton teaches a method for inputting control signals to an electronic device, the electronic device having a graphical user interface including a display and at least one input element, the method comprising:

generating an information screen (fig. 8);

generating a control screen having at least one control image (fig. 9A-9C and 10A-10C);

Art Unit: 2174

associating the control image with the input element (fig. 9A-9C and 10A-10C; col. 4, lines 56-63; col. 5, lines 40-62)

combining the information screen and the control screen into a composite screen such that the information screen and the control screen appear in an overlapping fashion and displaying the composite screen in the display (figs 8; and 10A-10C);

Per claim 11, Beaton teaches the method of claim 10, wherein the associating includes positioning the control image proximate the operation input element (fig. 9A-9C and 10A-10C; col. 4, lines 56-63; col. 5, lines 40-62).

Per claim 12, Beaton teaches the method of claim 10, wherein the combining operation includes blending the information screen and the control screen such that the information screen appears in front of the control screen (figs 8; and 10A-10C).

Per claim 13, Beaton teaches the method of claim 10, wherein the generating the control screen operation includes indicating a task to be performed by the electronic device when the input element is activated (fig. 9A-9C and 10A-10C; col. 5, lines 40-62).

Per claim 14, Beaton teaches the method of claim 10, wherein the combining operation includes blending the information screen and the control screen such that the control screen appears in front of the information screen (figs 8 and 10A-10C).

Per claim 15, Beaton teaches the method of claim 10, further comprising the operation of receiving an activation signal from the input element (figs. 8 and 10A-10C; col. 5, lines 49-62).

Per claim 16, Beaton teaches the method of claim 15, further comprising the operation of performing the task associated with the input element after the activation signal is received (col. 5, lines 49-62).

Art Unit: 2174

Per claim 20, Beaton teaches the computer program product readable by computing system and encoding computer program of instructions for executing computer process for inputting control signals to an electronic device, the electronic device having a graphical user interface including display and at least one input element, the computer process comprising:

generating with an alpha channel an information screen (figs. 8 and 10A-10C; col. 4, lines 53-55);

generating with an alpha channel a control screen having at least one control image (fig. 9A-9C; col. 4, lines 53-55);

associating the control image with the input element (figs. 9A-9C; col. 5, lines 49-62; col. 4, lines 56-63);

blending the information screen and control screen into a composite screen such that both the information screen and the control screen appear as full screens and displaying the composite screen on the entire display (figs. 8 and 10A-10C).

Per claim 21, Beaton teaches the computer program product of claim 20 wherein the act of blending in the computer process comprises alpha blending the information screen and the control screen such that the information screen appears in front of control screen (figs. 8 and 10A-10C).

Per claim 22, Beaton teaches the computer program product of claim 20, wherein the act generating the control screen in the computer process further comprises indicating a task to be performed by the electronic device when the input element is activated (figs. 10A-10C; col. 5, lines 49-63).

Art Unit: 2174

Per claim 23, Beaton teaches the computer program product claim 20, wherein the act of combining blending in the computer process comprises alpha blending the information screen and the control screen such that the control screen appears in front of the information screen (figs. 8 and 10A-10C).

Per claim 24, Beaton teaches the computer program product of claim 20 wherein computer process further comprises receiving an activation signal from the input element (figs. 10A-10C; col. 5, lines 49-63).

Per claim 25, Beaton teaches the computer program product of claim 24 wherein the computer process further comprises performing the task associated with the input element after the activation signal received (figs. 10A-10C; col. 5, lines 49-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton et al. ("Beaton", U.S. Pat. No. 6,037,937) and Capps et al ("Capps", U.S. Pat. No. 6,512,525).

Per claim 26, Beaton teaches the computer program product of claim 20, but does not teach the computer process further comprises:

loading a character set, character set including a plurality of individual characters, dividing the character set into character subsets, representing the character subsets in the control

Art Unit: 2174

screen, receiving selection signal one of the character subsets, and narrowing the range of selectable character set to the selected character subset repeating dividing, representing, receiving, and narrowing operations until selection of one the individual characters is made.

However, Capps teaches the computer process further comprises:

loading a character set, character set including a plurality of individual characters (fig. 8A; keyboard 266);

dividing the character set into character subsets (fig. 8A; keyboard 266; each character is a subset of the character set);

representing the character subsets in the control screen (fig. 8A; key board 266); receiving selection signal one of the character subsets, and narrowing the range of selectable character set to the selected character subset repeating dividing, representing, receiving, and narrowing operations until selection of one the individual characters is made (fig. 8A; col. 13, lines 11-13 and lines 50-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the character set of Capps in the invention of Beaton in order to provide users of touch screen device a convenient way to input data through the displayed keyboard.

Per claim 28, Capps teaches the method of claim 26, wherein the representing operation includes the operation of providing the character subsets (fig. 8A; keyboard 266).

Per claim 29, Beaton teaches the method of claim 28, further including the operation of associating the control images with the input elements (col. 4, lines 56-63; col. 5, lines 40-63).

Per claim 30, Beaton teaches the method of claim 29, wherein the associating operation includes positioning the control images proximate the operation input elements (figs. 9A-9C and 10A-10C; col. 5, lines 40-62).

Per claim 31, Beaton teaches the method of claim 26, further including the operation of generating a selection signal from the input elements (col. 4, lines 56-63; col. 5, lines 40-48).

Response to Arguments

Applicant's arguments with respect to Amendment A have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu


KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100